

Message Text

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FM SECSTATE WASHDC
TO AMCONSUL VANCOUVER
AMEMBASSY OTTAWA

UNCLAS STATE 146794

E.O. 11652: N/A

TAGS: PDIP, CARR

SUBJECT:PRISON VISITS: U.S.-CANADA AGREEMENT 1935.

REF: VANCOUVER 0549. 6 BEVANS 65

1. DEPARTMENT REFERS TO VANCOUVER'S REPORT THAT THE CONSULAR OFFICER WAS NOT PERMITTED TO VISIT AMERICAN PRISONERS IN THE B.C. PENITENTIARY BECAUSE OF DISCIPLINARY ACTION AS RESULT OF INMATES REFUSAL TO WORK.

2. WARDEN'S REFUSAL OF PERMISSION TO VISIT PRISONERS UNDER THE CIRCUMSTANCES CITED IN VANCOUVER'S REFTEL IS CONTRARY TO THE PROVISIONS OF THE EXECUTIVE AGREEMENT BETWEEN THE UNITED STATES AND CANADA WHICH ENTERED INTO FORCE ON SEPTEMBER 19, 1935.

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3. THE PERTINENT PROVISION OF THE U.S.-CANADA AGREEMENT IS REGULATION NO. 131 OF THE CANADIAN PENITENTIARY REGULATIONS DISTRIBUTED TO THE WARDENS OF ALL PENITENTIARIES VIA CIRCULAR NO. 17/1934 AS FOLLOWS:

QUOTE: THE FOLLOWING REGULATION HAS BEEN APPROVED BY THE

HONORABLE THE MINISTER OF JUSTICE AND WILL COME INTO EFFECT UPON THE RECEIPT OF THE COMMUNICATION:

131. WHEREAS RECIPROCAL ARRANGEMENTS HAVE BEEN AGREED UPON WITH THE UNITED STATES OF AMERICA, WHENEVER IT HAS BEEN DETERMINED TO THE SATISFACTION OF THE WARDEN THAT A CONVICT IS A CITIZEN OF THE UNITED STATES OF AMERICA, VISITS BY THE CONSULAR REPRESENTATIVE OF THAT COUNTRY, OR OTHER DULY ACCREDITED DELEGATES, HAVING LEGITIMATE BUSINESS WITH SUCH CONVICT, SHALL BE PERMITTED BY THE WARDEN, AT REASONABLE HOURS. THIS PRIVILEGE SHALL NOT BE WITHHELD EVEN THOUGH THE CONVICT IS UNDERGOING PUNISHMENT BY SOLITARY CONFINEMENT, OR UNDER OTHER DISCIPLINARY CONTROL. UNQUOTE.

4. CONSULATE GENERAL IS REQUESTED TO BRING THIS MATTER IMMEDIATELY TO THE ATTENTION OF THE PRISON AUTHORITIES REFERRING TO THE ABOVE AGREEMENT AND ASK THAT ARRANGEMENTS BE MADE WITHOUT DELAY FOR THE U.S. CONSULAR OFFICER TO VISIT THE AMERICAN PRISONERS IN NEW WESTMINSTER.

5. DEPARTMENT BELIEVES PRISON AUTHORITIES MAY HAVE OVER-LOOKED THE PROVISIONS OF THE AGREEMENT APPLYING TO OFFICIAL VISITS OF A U.S. CONSULAR REPRESENTATIVE OR MAY HAVE INADVERTENTLY CONSIDERED THE OFFICIAL VISIT TO BE GOVERNED BY PRISON REGULATIONS CONTROLLING PRIVATE VISITS.
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6. VANCOUVER ADVISE DEPARTMENT OF THE RESULTS OF CONSULATE GENERAL'S INFORMAL APPROACH. DEPARTMENT MAY TAKE FURTHER ACTION IF INDICATED.

7. OTTAWA REQUESTED TO PROVIDE CONSTITUENT POSTS WITH PHOTO COPIES OF THE SUBJECT EXECUTIVE AGREEMENT OR ADVISE DEPARTMENT IF EMBASSY HAS NEITHER OF THE SOURCES; "FOREIGN RELATIONS VOL. II, P. 57; OR 6 BEVANS 65". CHRISTOPHER

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Disposition History: n/a
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